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PAUL A.I. MENDIOLA

FILED
DISTRICT COURT OF GUAM

SEP 22 2006

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PAUL A.I. MENDIOLA,

Defendant.

CRIMINAL CASE NO. 05-00029 ¹¹ *DR*


**DECLARATION OF DAVID
RIVERA WITH ATTACHED
LETTERS FOR CONSIDERATION
DURING SENTENCING**

COMES NOW, David Rivera, Esq., counsel for defendant Paul A.I. Mendiola, and declares
under penalty of perjury as follows:

1. I am over the age of 18 and have the capacity to testify concerning the matters contained
herein. I am an employee of the Law Office of Terrence M. Brooks and am duly licensed to practice law
before the courts of the Territory of Guam and before the United States District Court of Guam.

2. Attached hereto and incorporated as "Exhibits A through E" are true and correct copies
of five letters submitted on behalf of Defendant Paul A.I. Mendiola for the Court's consideration during
sentencing.

Respectfully submitted this 22nd day of September, 2006.


DAVID RIVERA, ESQ.

ORIGINAL

THE SALVATION ARMY

TROPAN SATBASION

Guam Corps



WILLIAM and CATHERINE BOOTH, Founders
LINDA BOND, Territorial Commander
DAVE HUDSON, Divisional commander
LINDA HARMON, Corps Officer
DAVE HARMON, Corps Officer

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U.S. District Court
4th Floor US Courthouse
520 West Soledad Avenue
Hagatna Guam 96910

Re: Intake Interview request for Residential Treatment

Dear Honorable Judge Sir,

My name is Anthony F. Benavente, I'm the Recovery Technician / intake worker at The Salvation Army's Lighthouse Recovery Center. This letter is upon the request of Mr. Paul A.I. Mendiola on the information that he provided prior to his acceptance into the Lighthouse Recovery Center's program. Mr. Mendiola had made his appointment for his intake interview on September 22, 2005. Mr. Mendiola had seemed very sincere about the issues behind his addiction to Crystal Meth-Amphetamines as known as "ICE." Mr. Mendiola stated that his Ice use had become uncontrollable. Mr. Mendiola through AA mtgs. and N.A. mtgs. Has obtained the knowledge about the addiction of Alcohol and Drugs. Mr. Mendiola stated that he hasn't been treated for his addiction. And that this will be his first time he would ever be in treatment. Mr. Mendiola also stated that his life has become unmanageable and that he will try to do his best to continue to work on his recovery from his Ice use. Mr. Mendiola seemed to be responsive and cooperative during the intake interview. Mr. Mendiola was very conscious about where his addition has led him. With all this Mr. Mendiola has come to a chapter in his life that if he doesn't address the issues of his addiction he would lose everything.

Anthony F. Benavente
Recovery Technician / Intake

13 Feb. 06

Date



Marie O. McEllegott

Director

Telephone: (671) 477-7671

Facsimile: (671) 477-4649

Email: tsagulr@ite.net

EXHIBIT

A

February 13, 2006

U.S. DISTRICT COURT OF GUAM
4th Floor US Court House
520 West Soledad Ave.
Hagatna, Guam 96910

Subject: Paul A. Mendiola

To the Honorable Judge of the above entitled court,

This has been the most difficult task I have ever undertaken. I am writing this letter on behalf of Paul A. Mendiola, my everything. How does one sum up ten years of wonderful in a few pages. It is almost virtually impossible! I cannot find the words to convey my thoughts and emotions so that you can see the kind of person that Paul was before he became involved with drugs. These words may sound like empty praises to a person that does not know Paul or me, but the more I think about it, when I step back and look at the bigger picture, I now realize that Paul is everything that my children and I need, and then some.

Paul and I have been in a serious relationship for the last ten years. We met as children and grew up as friends, as our parents were friends too. It may sound funny, but we even have the same baptismal god parents. Throughout the years, we grew apart and I married someone else. When the marriage failed, I was left alone with two children, Breana and Joey. Paul and I reconnected at a social event and I was more than a little ambivalent about starting a new relationship. Paul was patient and kind and took to my two children immediately, but most of all they took to him. At that time I knew that I should give him a chance. Paul made my two children feel loved and appreciated and filled in for their biological father and never asked for anything in return. He accepted them as they were and helped them cope with their loss. Paul has been the only father Breana and Joey have known. Soon thereafter, Paul and I began having children, Christian in 1997, Hannah in 1999, and Mara in 2005. Yet he still treated Breana and Joey like his own children, not loving them less. I will be forever grateful.

Most of the ten years we've shared has been wonderful, but don't get me wrong, the last year has been extremely difficult. I have had to deal with a roller coaster of emotions because of the choices that Paul made. It has taken me awhile to come to terms with the consequences of his actions. I have worked through my anger and my disappointment and have come to the realization that no one is perfect. We all make mistakes! Some are just greater than others. I truly believe that if Paul were not an inherently wonderful human being I would not have been able to forgive him. He is and I have.

When I opted to return to school in July 2004 Paul was extremely supportive of me. He picked up the slack at home, cleaning, cooking, taking care of the kids, transporting them to and from activities, and he almost never complained. He didn't even complain about

EXHIBIT B¹⁰

the amount of time I had to spend at school being involved with other activities at the University. I am the President of the Social Work Student Alliance and have a knack for getting involved with other organizations such as the National Association of Social Workers and the Student Government Association. In my absence from home, Paul filled both the mother and father roles. He was under a lot of pressure and undertook a lot of responsibilities and still was supportive of me in all that I was involved in. Paul never wavered and showed me that it was affecting him, which is why I never knew or suspected that he was involved with drugs.

Now that Paul is not in the house and I have had to deal with the children on my own, in addition to the responsibilities of my school work. I am now aware all that he has had to undertake. Paul was underappreciated and he still to this day never asks for recognition. I know that Paul is a great father and he undertook the extra responsibilities out of love for me and obligation to the kids. I know that Paul is a great partner because he never, not once, complained or expected me to do more than I did.

In addition to being my foundation, Paul is the President of Saint Anthony School's Parent Teacher Organization. I serve as the Vice-President. Paul was active in the school's activities, such as fund-raising, school beautifications, and construction and upgrades of buildings, up until the last few months when he took residence at the Lighthouse. I know that given the opportunity he would pick up there where he left off. It is his way of showing our children that he is committed to their education.

Since October 2005, Paul has shown me the extent of his willingness to change. He opted to voluntarily take part in the Lighthouse Recovery Center's rehabilitation program. It is a six month intensive treatment program for alcohol and drug users. At the start, I was angry and hurt that Paul chose to spend his time before the sentencing there rather than with our family, and with me while I was pregnant with Mara, but it proved to me that he was committed in making positive changes in his life. My children and I continue to be his support system so that he can make those life long changes in his behavior. Once this is all over, I am almost certain that there will be a period of adjustment. I know that I can no longer dump all the responsibilities on Paul's shoulders and I am also willing to make the necessary changes in my life.

It is four months into Paul's residence at the Lighthouse. I am now seeing that the program has made a significant difference in his life. I am beginning to see once more the Paul that I fell in love with, the Paul that I chose to spend my life with, the Paul that my children love and respect, and most of all the Paul that is real. I've seen that Paul is more at ease with himself and is able to accept that he can't do it all. I've noticed that Paul is able to say that he can't do it, and not feel guilty or less than the man that he is. But most of all, I've noticed that Paul still feels love and wants to be a part of life. And by committing to his own recovery, he has taken the first steps towards coming home to us.

My parents refuse to forgive Paul for what he has done. And for a long time they have supported me and my children financially in order for me to complete my degree. While

I am grateful, but there is a limit. My parents have given me an ultimatum. They have said that if Paul and I remain together they will essentially "cut me off". To me, money is only an object. It is not as important as the love and feelings that Paul and I have shared. For the time being I am accepting their assistance while Paul is in rehab, but I will give it all up for a chance to keep my family together. I have thought about it and what Paul and I share with our children is more precious than any amount of money my parents can provide.

Sir, I believe that given the opportunity Paul will once again become a productive member of our community. I also believe that rehabilitation works, if the individual wants it and is committed to it the way Paul is. Please, take into consideration what I have said regarding the kind of person Paul is before you render your decision during his sentencing. Thank you for your time and consideration.

Respectfully,

Paula M. Perez
Paula M. Perez

Dear Sir,

He is a fun and kind individual. He provides for our family. Without him we could probably be on the streets. He helps us with not only school work but also house work. He is our hero and a great role model. We could learn a lot from his teachings. He does his best to set the right examples for us. Peer Pressure is no joke. He just happened to be one of the unlucky ones.

- Joey San Nicolas

EXHIBIT

C

To whom it may concern:

02-12-06

Hi. My name is Breana. I am 15 years old and I am a student at the Academy of Our Lady. Paul is my dad. Well, he is actually my step-dad, however, he has treated me as nothing else but his own flesh and blood. He is a great person with an amazingly big heart. He just made a mistake. A big mistake. He realizes this now and he is taking full responsibility for his wrongdoing, not to mention the fact that he is trying to do everything and anything to compensate for it. He left our home and gave up spending everyday with us to re-evaluate himself and make a change for the better. He felt it was best if he lived at the lighthouse and went to NA and AA meetings.

This whole ordeal has been really hard on all of us, especially my younger brother and sister. It has had a bigger impact on them solely because they are too young to fully comprehend why our dad had to leave us and probably won't get to come back home for a long time.

Honestly, at first, I didn't understand or didn't want to understand why this has all happened. I was so overwhelmed and I had so many thoughts and questions filling my head. I wanted to know why he got involved with drugs. Or why he would do something so bad that would affect the entire family. But I have come to the realization that it wasn't him who did all of this, it was the drugs. These substances make the users do things that they would not have done if they were not under the influence. From the start, drugs will have a massive hold on you. I know that my dad did not anticipate this outcome yet, he is openly accepting the consequences and I admire him for that. Others would have ran at the thought of consequences but not him, not my

dad. He is strong. He will get through this. We all will.

He is a good man and an even better father. He was always there for me, unlike my biological father. He treated me like I was his daughter. He always tried to cheer me up when I was feeling sad. He would talk to me and keep me company when I would wake up scared during the night, assuring me there was nothing to be afraid of. He would help me with my homework and stay up with me while I did projects just so I wouldn't be alone. He would try to calm me down when I got upset and would point out when I was out of line.

We shared so many laughs and about 10 years of memories. I remember this one time, when I was still in middle school, he dropped me off in the morning, and as he was leaving, he rolled down his window and shouted, "Don't forget to feed the pigs after school!" I was so embarrassed but after school we were both able to laugh at it. That was one of the times that he pulled out the "embarrassing dad card". But it's okay because we are extremely close and very open with each other. This is what allows us to laugh at each other.

He has taught me so many things. He taught me how to sing. I will never forget singing the oldies with him during our countless drives. He was the one that sparked my interest in music dating all the way back to the 70's. He also taught me how to drive. He was the only one brave enough to get in the car with me behind the wheel, even if it was only around the field near my grandparents house.

I have found that writing this letter about my dad was suprisingly hard. There is so much about him that I cannot capture in this letter, like the way his laughter

EXHIBIT 2

fills the room, the soothing sound of his voice, the warmth of his smile, the comfort and safety of his embrace, the tenderness and love in his eyes, or even just his mere presence. All of these things can only be experienced by someone who knows him and knows his true nature. It really kills me to see him treated like a bad person because he's not! He's loving and caring! He just slipped up. I think everyone deserves a second chance to make things right again. Jesus taught us that. He loves everyone equally regardless of our sins. He taught us that God forgives us as long as we repent and my dad has repented and I forgive him and so does God. I love my dad, no matter what the outcome is. I just wish he could be here for my younger siblings, most especially my baby sister, just like he was there for me.

My dad will always have his family and friends waiting for him to come back HOME!

Sincerely,

Breana San Nicolas

EXHIBIT ³ D

Feb 12, 2006

Dear Sir.

As I sit here tonight, I'm finding it hard to write down on paper my thoughts and feelings about a friend that has played an active role in my children's lives as well as my own for the past 10 years, without you seeing or feeling my honesty.

I've known Paul for just about 10 years now. I had just given birth to my second child Cotton John. Just hours later, here comes Paula - Paul's other half, followed by Paul. It was then I knew - this guy would play a big role in our lives.

Approximately five years ago - my husband and I split up, I was then I was certain the depth of my friendship with Paul was even greater. Fortunately, we live close enough that when things became difficult, he was always there to help me with any circumstance that arose. He built a rapport with my children and was able to help them deal with the absence of their father, and now, they risk losing another father figure. They trust him.

As for myself, Paul has played a big part of who I am today. My strength, he made me believe that I'm a good person, and taught me to walk with my head held high.

EXHIBIT 1

Compassion, to forgive those who have hurt me and to be a good mother to Kathleen and Colton. and most important, that any challenges that may come my way. I can handle, why? because, I'll always have a friend. Paul

PS. Everyone deserves a second chance - it just makes the world a better place to live

Thank you for taking time to read about my feelings on Paul Merendola

Annie San Nicolas
Kathleen San Nicolas
Colton San Nicolas
916 Chalan San Antonio
Old Perezville Tamuning
649-4996

2

E

EXHIBIT